

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 37. This sheet, which includes Fig. 37, replaces the original sheet including Fig. 37.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended, is respectfully requested.

Claims 1-42 are pending in this application. Claims 1-4, 7, 8, 10-14, 30-33, 36, and 37 have been amended to overcome the points raised in the outstanding Action as to Claims 1 and 30 and to better reflect the invention as disclosed at page 26, line 10 to page 27, line 25, of the specification, for example. New claims 39-42 have been added that are directed to the subject matter disclosed at page 6, lines 9-16 of the specification, for example. Applicants respectfully submit that no new matter has been introduced.

The outstanding Office Action presents objections to the information disclosure statements filed on 8/19/05 and 2/17/04 as failing to comply with various provisions in the ruled and MPEP, an objection to FIG. 37, a rejection of Claims 1-38 under the second paragraph of 35 U.S.C. § 112, a rejection of Claims 1-3, 5, 7, 10-12, 21, 22, 24-27, 30, and 33-35 under 35 U.S.C. § 102(b) as being anticipated by Tomita et al. (U.S. Patent No. 7,142,321, Tomita), a rejection of Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Tomita in view of Wadt (U.S. Patent No. 6,857,121), a rejection of Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Tomita in view of Friedrich et al. (U.S. Patent No. 5,276,877, Friedrich), a rejection of Claims 8, 9, 31, and 32 under 35 U.S.C. § 103(a) as being unpatentable over Tomita in view of Hino et al. (Published U.S. Patent Application No. 2003/0025927, Hino), a rejection of Claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Tomita in view of Christeson et al. (U.S. Patent No. 5,759,522, Christeson), a rejection of Claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Tomita in view of Chiles et al. (U.S. Patent No. 6,167,567, Chiles), a rejection of Claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Tomita in view of McBreaty (U.S. Patent No. 6,883,093), a rejection of Claims 16-18 under 35 U.S.C. § 103(a) as being

unpatentable over Tomita in view of McRae et al. (U.S. Patent No. 6,785,843, McRae), a first rejection of Claim 20¹ under 35 U.S.C. § 103(a) as being unpatentable over Tomita in view of McRae in further view of Neilson (U.S. Patent No. 6,639,687), a second rejection of Claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Tomita in view of McRae in further view of Neilson and in further view of Bang (U.S. Patent No. 6,883,093), a rejection of Claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Tomita in view of Dawkins et al. (U.S. Patent No. 6,820,207, Dawkins), a rejection of Claims 28 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Tomita in view of Fanshier (U.S. Patent No. 5,841,972), a rejection of Claims 29 and 38 under 35 U.S.C. § 103(a) as being unpatentable over Tomita in view of Qureshi (U.S. Patent No. 6,389,556) in further view of Kedge et al. (U.S. Patent No. 5,121,113, Kedge), and a rejection of Claim 37 under 35 U.S.C. § 103(a) as being unpatentable over Tomita in view of Qureshi.

Turning to the objections made as to the information disclosure statements filed on August 19, 2005 and February 17, 2004 under 37 CFR § 1.97, 37 CFR § 1.98, and MPEP § 609.05(a), the three reasons listed at page 2 of the outstanding Action have no relationship to the contents of 37 CFR § 1.97 that deal with timeliness of filing an information disclosure statement. Clarification as to the specific provision or provisions of 37 CFR § 1.97 being asserted to be violated is respectfully requested.

With regard to 37 CFR § 1.98, the rule that is presently in effect **does not** require the column that provides space for the Examiner's initials next to each document to be considered to be titled. The List of Related Applications filed August 19, 2005 and the List of Related Applications filed February 17, 2004 both include columns that provide a space for the Examiner's initials next to each document. For example such a column of space is clearly present between the "Document Number" column and the "Serial or Patent Number"

¹ Apparently, this was intended to be a rejection of Claim 19 in view of the explanation included on page 14 of the outstanding Action.

column on these Lists. In addition, these Lists each clearly indicate that they are a “LIST OF RELATED CASES” that clearly is a heading identifying the list as an IDS. Finally, each of these lists are a single page that identify the present application as Serial No. 10/713,195 as the first item of each list (starting with “245536US2*”). Accordingly there is no violation of 37 CFR § 1.98 that was last modified in September of 2004.

Moreover, the contents of 37 CFR § 1.98 in effect when the information disclosure statement of February 17, 2004 was filed did not include any of the three above-noted requirements that were not introduced into the Rule until the changes added in September of 2004 that did not become effective until October 2004. It is clearly improper to make an objection based upon 37 CFR § 1.98 language as to information disclosure statement contents that was not adopted until well after the information disclosure statement of February 17, 2004 was filed.

Finally, it is noted that the Rules themselves control, not the MPEP. Thus, the guidelines of MPEP § 609.05(a) cannot form the basis of an objection when 37 CFR § 1.97 and 37 CFR § 1.98 have been fully complied with.

Accordingly, withdrawal of the objections to the Lists of Related Cases filed on August 19, 2005 and February 17, 2004 is respectfully requested along with the proper consideration of these Lists.

With regard to the objection to FIG. 37, the Specification at page 3, lines 15-20 never states that FIG. 37 only illustrates “that which is old,” much less does the term “prior art” appear. As this FIG. 37 is described under the sub-heading of “Related Art,” this term is added to FIG. 37 by the attached replacement Sheet.

Turning to the rejection of Claims 1-38 under the second paragraph of 35 U.S.C. § 112, it is first noted that the objected to language of Claims 1 and 30 (“the order” and “the number”) and the further objected to language of Claim 1 as to “said other one or more

processing units” have been replaced by clearer language that better reflects the invention relative to the teachings at above-noted page 26, line 10 to page 27, line 25, of the specification, for example.

Accordingly, withdrawal of this rejection of Claims 1-38 under the second paragraph of 35 U.S.C. § 112 is respectfully requested.

Each of the prior art based rejections of Claims 1-38 under 35 U.S.C. § 102 and 35 U.S.C. § 103 places primary reliance on Tomita as teaching that updates are installed according to an order of communication. However, to whatever extent that relied on FIG. 16 of Tomita teaches an order of update for control modules 110, 120, 130, and 140 with regard to corresponding steps S221, S224, S228, and S232, there is no teaching or suggestion of the of the amended Claim 1 and Claim 30 required “prioritized update order in which the processing unit or processing units which are indirectly communicated with by said control unit are assigned a highest priority so as to be updated before any of said processing units directly communicated with by said control unit.”

Accordingly, as Tomita does not teach or suggest at least the above-noted requirement of base amended independent Claims 1 and 30, these claims cannot be said to be anticipated by Tomita under 35 U.S.C. § 102(b). Therefore, withdrawal of this rejection under 35 U.S.C. § 102(b) of base amended independent Claims 1 and 30 is respectfully requested.

Moreover, as Claims 2, 3, 5, 7, 10-12, 21, 22, 24-27 and new Claims 39 and 40 all ultimately depend from base amended independent Claim 1 and as Claims 33-35 and new Claims 41 and 42 all ultimately depend from base amended independent Claim 30, these claims all include the limitations of their respective base claim and also cannot be said to be anticipated by Tomita under 35 U.S.C. § 102(b) for at least the reasons stated above. In addition, each of Claims 2, 3, 5, 7, 10-12, 21, 22, 24-27, 33-35 and new Claims 39-42 add features in addition to the above-noted features of base amended independent Claims 1 and

30, which added features are also not taught or suggested by Tomita. Therefore, withdrawal of this rejection under 35 U.S.C. § 102(b) of dependent Claims 2, 3, 5, 7, 10-12, 21, 22, 24-27, and 33-35 and allowance of these claims with new Claims 39-42 is also respectfully requested.

Furthermore, as none of Wadt (relied on with Tomita as to the § 103(a) rejection of Claim 4 under 35 U.S.C. § 103(a)), Friedrich (relied on with Tomita as to the § 103(a) rejection of Claim 6 under 35 U.S.C. § 103(a)), Hino (relied on with Tomita as to the § 103(a) rejection of Claims 8, 9, 31, and 32 under 35 U.S.C. § 103(a)), Christeson (relied on with Tomita as to the § 103(a) rejection of Claim 13 under 35 U.S.C. § 103(a)), Chiles (relied on with Tomita as to the § 103(a) rejection of Claim 14 under 35 U.S.C. § 103(a)), McBreaty (relied on with Tomita as to the § 103(a) rejection of Claim 15 under 35 U.S.C. § 103(a)), McRae (relied on with Tomita as to the § 103(a) rejection of Claims 16-18 under 35 U.S.C. § 103(a)), Neilson (relied on with Tomita and McRae as to the improperly stated § 103(a) rejection of Claim 20² under 35 U.S.C. § 103(a)), Bang (relied on with Tomita, McRae, and Neilson as to the § 103(a) rejection of Claim 20 under 35 U.S.C. § 103(a)), Dawkins (relied on with Tomita as to the § 103(a) rejection of Claim 23 under 35 U.S.C. § 103(a)), Fanshier (relied on with Tomita as to the § 103(a) rejection of Claims 28 and 36 under 35 U.S.C. § 103(a)), Qureshi (relied on with Tomita as to the § 103(a) rejection of Claim 37 under 35 U.S.C. § 103(a)), and/or Kedge (relied on with Tomita, and Qureshi as to the § 103(a) rejection of Claims 29 and 38 under 35 U.S.C. § 103(a)) cure the above-noted deficiencies of Tomita whether they are considered individually or in any proper combination of any or all of these secondary references, the rejections of dependent Claims 4, 6, 8, 9, 13, 14, 15, 16-18, 19³, 20, 23, 28, 29, 31, 32, 36, 37, and 38 are traversed.

² Apparently, this was intended to be a rejection of Claim 19 in view of the explanation included on page 14 of the outstanding Action.

³ See notes 1 and 2 above.

In addition, each of dependent Claims 4, 6, 8, 9, 13, 14, 15, 16-18, 19⁴, 20, 23, 28, and 29 add further features to those of base amended independent Claim 1 argued above. As these added features are also not taught or suggested by any of Wadt, Friedrich, Hino, Christeson, Chiles, McBreaty, McRae, Neilson, Bang, Dawkins, Fanshier, Qureshi, and/or Kedge considered individually or in any proper combination of any or all of these secondary references with or without Tomita, the rejections of dependent Claims 4, 6, 8, 9, 13, 14, 15, 16-18, 19⁵, 20, 23, 28, and 29 are traversed for this reason as well.

Also, each of dependent Claims 31, 32, 36, 37, and 38 add further features to those of base amended independent Claim 30 argued above. As these added features are also not taught or suggested by any of Wadt, Friedrich, Hino, Christeson, Chiles, McBreaty, McRae, Neilson, Bang, Dawkins, Fanshier, Qureshi, and/or Kedge considered individually or in any proper combination of any or all of these secondary references with or without Tomita, the § 103(a) rejections of dependent Claims 31, 32, 36, 37, and 38 are traversed for this reason as well.

Therefore, withdrawal of the rejections of dependent Claims 4, 6, 8, 9, 13, 14, 15, 16-18, 19⁶, 20, 23, 28, 29, 31, 32, 36, 37, and 38 under 35 U.S.C. § 103(a) based upon the teachings and suggestions of Wadt, Friedrich, Hino, Christeson, Chiles, McBreaty, McRae, Neilson, Bang, Dawkins, Fanshier, Qureshi, and/or Kedge considered individually or in any proper combination of any or all of these secondary references with or without Tomita is also respectfully requested.

⁴ See notes 1 and 2 above.

⁵ See notes 1 and 2 above.

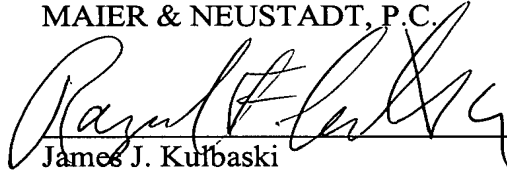
⁶ See notes 1 and 2 above.

Application No. 10/713,195
Reply to Office Action of 04/03/2007

As no other issues are believed to remain outstanding relative to this application, it is believed to be clear that this application is in condition for formal allowance and an early and favorable action to this effect is, therefore, respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Raymond F. Cardillo, Jr.", is written over a horizontal line.

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